

**APPROVED
EMPIRE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

September 21, 2021

The Empire Township Planning Commission held a regular meeting on Tuesday, September 21, 2021. The meeting was held at the Empire Township Offices.

CALL TO ORDER: Duane Shugart, Vice-Chair, called the meeting to order at 6:00 p.m.

ROLL CALL:

Members Present: Dick Figura (arrived at 6:18 pm), Larry Krawczak, Micah Deegan, Erik Foged, Duane Shugart.

Members Absent: None

Staff Present: Tim Cypher, Dana Boomer

Foged moved, Krawczak seconded to temporarily excuse Dick Figura. All in favor, motion carried.

APPROVAL OF AGENDA: The board briefly discussed the agenda. **Motion by Foged, second by Krawczak to approve the agenda as presented. All in favor, motion carried.**

APPROVAL OF MINUTES: **Motion by Foged, second by Krawczak to approve the July 20, 2021 Meeting Minutes as presented. All in favor, motion carried.**

COMMUNICATIONS: None

PUBLIC COMMENT: None

ZONING ADMINISTRATOR'S REPORT: Acknowledged the receipt of Cypher's monthly reports for July and August 2021. Cypher briefly summarized his reports. Cypher will be discussing the septic inspection ordinance with the board. There have been issues with getting information on transfers and inspections from the various departments in a timely fashion. The PC and staff briefly discussed.

Dick Figura arrived at 6:18 pm.

Motion by Deegan, second by Shugart to acknowledge receipt of the July and August 2021 reports. All in favor, motion carried.

CONFLICT OF INTEREST: Figura stated that in the revised bylaws he has prepared, it will require a section of the agenda where PC members can declare any potential conflict of interest they may have. The other members would then vote on whether that person actually has a conflict of interest. Figura detailed what could be considered conflicts of interest; and the PC briefly discussed.

No members declared a conflict of interest for this meeting.

OLD BUSINESS:

- A. **Watershed Overlay District** – This was included in the staff report for the August LCPC meeting; minutes for that have not been received. The issue is scheduled to be on the agenda for the October

Township Board meeting. Figura and Deegan have both received additional public comment on the topic, so there is likely to be extensive discussion and public comment at the board meeting.

- B. **Master Plan Review** – Paula Figura was not able to make it to tonight’s meeting to discuss broadband. She will be rescheduled for the October meeting, where she will highlight the need for the Master Plan to look favorably on the expansion of broadband service to everyone in the township.

Boomer had sent out a version of the proposed housing language with comments she had received from PC members. The PC extensively discussed. Boomer will incorporate the proposed changes and distribute an updated version.

NEW BUSINESS:

- A. **Revised Bylaws** – Figura had distributed amended bylaws to the PC members (see attached); these were discussed. Figura had made amendments to reflect changes in the Open Meetings Act and improve the conflict of interest policy. **Deegan moved, Foged seconded to approve the amended bylaws. All in favor, motion carried.**
- B. **Pleasure of the Board** – None

PUBLIC COMMENT: None

BOARD COMMENT: Deegan had a resident contact him about the intersection at Benzonia Trail and M-72. He has since received 11 letters regarding the dangers of this intersection. Deegan and Bucky Noonan have been working with the LCRC and MDOT regarding placing lit stop signs on Benzonia Trail and caution signs on M-72. These are likely to be placed either this fall or next spring, depending on when the solar panels and lit signs can be acquired.

ADJOURNMENT: **Motion** by Krawczak to adjourn at 7:32 pm, Shugart seconded. With no objection, Figura adjourned the meeting.

Respectfully Submitted,

Dana Boomer
Recording Secretary

EMPIRE TOWNSHIP DRAFT PLANNING COMMISSION BYLAWS

SECTION 1: NAME; PURPOSE

- A.** The name shall be the Empire Township Planning Commission, hereafter known as the “Commission”.
- B.** These Bylaws are hereby adopted by the Commission to facilitate the performance of its duties as outlined in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act (MCL 125.3801, *et seq.*), hereinafter “the Planning Act”.
- C.** These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101, *et seq.*), hereinafter “the Zoning Act”.

SECTION 2: DUTIES OF THE PLANNING COMMISSION

The planning commission shall perform the following duties:

- A.** Prepare, review and adopt amendments to a master plan as a guide for development and zoning within the township’s planning jurisdiction.
- B.** Take required action on petitions, staff proposals and township board requests for amendments to the zoning ordinance.
- C.** Prepare a Planning Commission annual report and budget for the Township Board.
- D.** Review, deliberate, decide and prepare appropriate findings and final determination documents on all special land use and planned unit development proposals.
- E.** Prepare special studies and plans as deemed necessary by the Commission or Township Board and for which the Township Board has appropriated any needed funds.
- F.** Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a planning commissioner and for which the Township Board has appropriated any needed funds.

- G. Prepare a capital improvements plan if directed by the Township Board.
- H. Perform other duties and responsibilities or respond as requested by any township board or commission.

SECTION 3: MEMBERSHIP AND MEMBERS

- A. Number, Terms, and Qualifications.** The Commission shall consist of five qualified members appointed by the Empire Township Supervisor with approval of the Empire Township Board in accordance with the Empire Township Planning Commission Ordinance. Commission members shall be qualified electors of the Township. All new members shall receive a copy of these Bylaws and also the Planning Commission Ordinance.
- B. Township Board Representative to the Planning Commission.** The Township Board appoints a member of its Board as a representative to the Commission. The representative shall present to the Township Board the recommendations of the Planning Commission pertaining to the Zoning Ordinance and other matters, as appropriate, prior to the Township Board's consideration of each. The representative also shall convey information and requests from the Township Board to the Commission.
- C. Ex-officio Member.** An ex-officio member is a member with full voting rights who serves on the Commission by virtue of holding another office, for the term of that other office. An ex-officio member is not eligible to serve as chairperson of the Commission.
- D. Planning Commission Representative to the Zoning Board of Appeals.** A Zoning Board of Appeals (ZBA) representative will be chosen by the Township Board from members serving on the Planning Commission. The representative to the ZBA shall report the actions of the ZBA to the Commission and update the ZBA on relevant actions by the Commission. The Commission representative to the ZBA shall not serve as the chair of the Zoning Board of Appeals.

SECTION 4: DUTIES OF ALL MEMBERS

Each member of the Commission shall adhere to a code of conduct including, but not limited to the following:

- A. Conflicts of Interest.**
 - 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office.
 - 2. Before entering into discussion or casting a vote on a matter on which an elected or appointed board or commission member may reasonably be considered to have a conflict of interest, the member shall verbally disclose

- the potential conflict of interest to the chair of the board or commission. This verbal identification of a potential conflict of interest shall be documented in the minutes.
3. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a specific pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents' in-law, grandparents' in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - 1) An applicant or agent for an applicant, or
 - 2) Has a direct interest in the outcome.
 4. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a roll call vote of the remaining members of the Commission who shall act in good faith on said vote. The decision shall be documented in the minutes of the Commission.
 5. When a conflict of interest exists, the member shall cease to participate in the matter for which he or she has the conflict of interest.
 6. Failure to disclose a potential conflict of interest constitutes malfeasance in office.
 7. This policy shall be reviewed annually at the first commission meeting in each year and shall be agreed to and signed by each new member at the beginning of such member's new term in office.

B. *Ex Parte* contact.

1. Members shall, whenever possible, avoid *ex parte* contact about cases where an administrative decision is before the commission.
2. Despite one's best efforts it is sometimes not possible to avoid *ex parte* contact. When an unavoidable *ex parte* contact occurs, the member should take detailed notes on what was said and shall disclose same to the Commission at a public meeting or hearing, including the nature of the discussion during the contact.

C. Site Inspections.

1. Site inspections shall be done by the Township's Zoning Administrator. A written report of the site inspection shall be submitted to each Commission member and orally presented to the Commission at a public meeting or public hearing on the site.
2. If desired, members of the Commission may inspect the site with or without the zoning administrator as long as a quorum is not present.

D. Not Voting on the Same Issue Twice.

1. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
 - a. When the appeal is of an administrative or other decision made by the Commission and the member of the Commission sits both on the commission and the Zoning Board of Appeals.
 - b. When the case is an administrative decision which was decided by the Commission and sent to the Township Board for further action, and the member of the Commission sits both on the Commission and Township Board.

E. Accepting Gifts.

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gift shall mean cash, any tangible item or service, regardless of value; and food valued over \$10.
3. The Commission may accept gifts for the exercise of its functions pursuant to MCL 125.3823(3), sec. 23(3) of the Planning Act.
4. Gifts may only be accepted by the Township Board on behalf of the Commission.

F. Spokesperson for the Commission.

1. Unless otherwise designated by the Commission in a specific instance, the Chairperson shall be the official spokesperson for the Commission for matters which occur outside of Commission meetings.

SECTION 5: OFFICERS

- A. Selection.** At the first regular meeting in each calendar year, the Commission shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. All officers are eligible for reelection. If the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chairperson for the unexpired term. If the office of Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the

unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

B. Tenure. The Chairperson, Vice-Chairperson and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

C. Chairperson's Duties. The Chairperson retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chairperson shall:

1. Preside at all meetings with all of a chairperson's powers under parliamentary procedure;
2. Appoint committees;
3. Appoint officers of committees or choose to let the committees select their own officers;
4. Appoint an acting Secretary in the event the Secretary is absent from a Commission meeting;
5. Act as the Commission's chief spokesperson and lobbyist to represent the Commission at local, regional, and state government levels;
6. Perform such other duties as may be directed by the Commission.

D. Vice-Chairperson's Duties. The vice chairperson shall:

1. Act in the capacity of the Chairperson in the Chairperson's absence;
2. Perform such other duties as may be directed by the Commission.

E. Secretary's Duties. The secretary shall:

1. Execute documents in the name of the planning Commission;
2. Be responsible for maintaining a permanent record of the minutes of each meeting;
3. Receive all communications, petitions, and reports to be addressed by the Commission;
4. Be responsible for issuing formal written correspondence with other groups or persons, as directed by the Commission;
5. Provide notice to the public and members of the Commission for all regular and special meetings;
6. Perform such other duties as may be directed by the Commission.

F. Recording Secretary's Duties. The Recording Secretary shall not be a member of the Commission or any of its committees, but shall:

1. Take notes at all meetings and prepare draft minutes of Commission meetings following the guidelines set forth in Section 6 of these bylaws;
2. Distribute the draft minutes to Commission member, the Township Clerk, and Township webmaster within eight (8) working days of all meetings.
3. Perform such other duties as may be directed by the Commission.

SECTION 6: MEETINGS

- A. Regular Meetings.** The Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Notice of regular commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each calendar year in accordance with the Open Meetings Act.
- B. Special Meetings.** Special meetings shall be called in the following manner:
1. By the Chairperson.
 2. By any two members of the Commission upon written request to the Secretary.
- C. Quorum.** More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the commission. Whenever a quorum is not present at a regular or special meetings, those present shall adjourn the meeting to another day.
- D. Motions.**
1. Motions shall **be** restated by the Chairperson before a vote is taken.
 2. Findings of Fact. When required by law, Commission decisions shall be based on factual findings which shall be in writing and included in the meeting's minutes.
- E. Voting.** Members must be present to cast a vote. Voting by proxy is not permitted. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, is required for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any Master Plan or amendment to the Plan.
- F. Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Robert's Rules of Order. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.
- G. Public Participation.** All regular and special meetings, hearings, records, and accounts shall be open to the public as provided for in the Open Meetings Act.
1. All public comment on any matter should be presented at the times provided for such comment on the meeting agenda; except at public hearings, public comment is normally not allowed at any other time during the meeting; however, sometimes the Commission chairperson may direct questions to, or entertain questions from, members of the public.

2. The Commission shall establish reasonable rules regulating the time and extent of public comment.

H. Order of Business.

1. **Regular Meeting – Agenda.** The Chairperson, the Secretary, or a designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
Call to Order
Roll Call
Approval of Agenda
Declaration of Conflict of Interest
Approval of Minutes
Communications
Public Comment
Public Hearings
Old Business
New Business
Public Comment
Commissioners' Comments
Adjournment
2. **Special Meeting – Agenda.** The Chairperson, the Secretary, or a designee, shall prepare an Agenda for a special meeting and the order of business shall, at minimum, contain the following items:
Call to Order
Roll Call
Declaration of Conflict of Interest
Public Comment
Special Meeting Item(s) [old business, new business, or other]
Public Comment
Commissioners' Comments
Adjournment

- I. **Delivery of Agenda.** The agenda and accompanying materials shall be delivered personally, by mail or by email to Commission members at least four (4) days prior to a regular meeting and at least eighteen (18) hours before a special meeting.

J. Notice.

1. Notice of special meetings shall be given to the members of the planning commission at least 18 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act. The secretary shall oversee the issuance of such notices.
2. Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the

Michigan Zoning Enabling Act, Land Division Act, or other applicable statute. The Zoning Administrator shall oversee the issuance of such notices.

- K. Public Hearings.** All public hearings held by the Commission must be held as part of a regular or special meeting of the Commission.
- L. Public Records—**All meetings, minutes, records, documents, correspondence and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 7: MINUTES

- A. Minutes.** The Secretary shall keep, or cause to be kept, minutes of all Commission meetings, which minutes shall at a minimum include the following:
 1. Time and place the meeting was called to order.
 2. Attendance.
 3. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 4. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 5. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion.
 6. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."

SECTION 8: COMMITTEES.

- A.** The Commission may establish such committees as it deems necessary. Committee membership may include citizen members who are not members of the Commission. The Chairperson shall appoint all members to committees.
- B.** All committees shall comply with the Open Meetings Act.
- C.** Committees shall have no authority to make final decisions on any matter referred to them, but may only make recommendations for actions to the Commission.

SECTION 9: HEARINGS.

- A.** Notice of all hearings held by the Commission shall be given in the manner required by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act as may be applicable.
- B.** When a hearing is required by law, the Commission shall make no decision on a matter until the hearing has been concluded. The Commission may, in its discretion, take action at the same meeting at which the hearing was held or may take action at the next succeeding meeting.

SECTION 10: PLAN REVIEWS.

- A.** As required by the Michigan Planning Enabling Act, the Commission shall review all adjacent or contiguous, local government master plans and plan amendments and the county plans in which the Commission's service area is located.
- B.** Commission action on such plans shall be in the form of a motion which contains (or is included in the minutes) a find of fact and the Commission's advisory action.

SECTION 11: CAPITAL IMPROVEMENTS REVIEW.

- A.** As required by the Michigan Planning Enabling Act, the Commission shall review all preliminary plans and reports for the physical development of the Township, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.
- B.** Commission action on such proposed capital improvement plans shall be in the form of a motion which contains (or is included in the minutes) a finding of fact and the Commission's advisory action.

SECTION 12: SUBDIVISION REVIEW.

- A.** As provided by the Michigan Planning Enabling Act, the Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the Michigan Land Division Act.

- B.** Before recommending an ordinance or rule described in subsection (A), the Commission shall hold a public hearing on the proposed ordinance or rule. The Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The notice shall be given in the manner provided for in the Michigan Planning Enabling Act.

SECTION 13: ANNUAL REPORT.

As required by the Michigan Planning Enabling Act, the Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 14: ADOPTION, REPEAL, AMENDMENTS

- A.** These Bylaws shall become effective immediately upon adoption and all previous Bylaws shall be repealed.
- B.** The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- C.** These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

Adopted by the Empire Township Planning Commission at a regular meeting held on _____.

Roll Call Vote. Voting Aye: Nye: Abstained: